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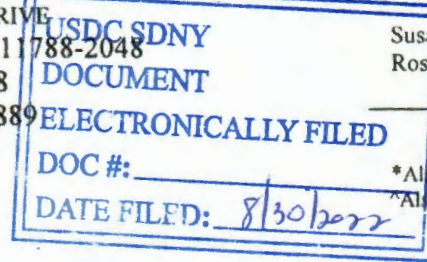
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August 29, 2022

MEMO ENDORSED

Via ECF

Honorable Judge Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: Ampong, Dora v. Costco Wholesale Corporation,
Docket No.: 1:21-cv-02049 (CM)

Dear Hon. Judge McMahon:

This office represents defendant, Costco Wholesale Corporation s/h/a Costco Wholesale Corp. ("Costco"), in connection with the above-referenced matter. Costco respectfully submits the following application requesting a stay of the remaining fact and expert discovery deadlines, pending a decision of Costco's recently filed motion for summary judgment (D.E. # 51-54).

To date, the parties have exchanged paper discovery. Plaintiff's deposition was completed on June 30, 2022. A physical examination of plaintiff was conducted on August 4, 2022. Pursuant to the July 26, 2022 Scheduling Order, defendant's expert disclosure is due September 2, 2022 and all discovery is to completed by October 7, 2022.

By staying the remaining deadlines until after Costco motion for summary judgment is decided, it will afford the parties the opportunity to potentially avoid significant legal expense that may ultimately be rendered unnecessary by an award of summary judgment.

In speaking with counsel, Jeannie I. Rivera on August 29, 2022 about Costco's intended application for a stay, counsel

Stayed denied. The Summary judgment motion will not be addressed until defendant has been deposed. Discovery deadlines will not be extended again. All discovery including defendant's deposition must be completed by the current deadline of October 7, 2022.

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advised that plaintiff is opposed to a stay as she feels it is necessary to complete defendant's deposition in order to oppose Costco's motion. Costco respectfully disagrees. The basis of Costco's motion is plaintiff's inability to establish her *prima facie* case of negligence in light of the undisputed video of the accident. As more fully set forth in Costco's motion, the video (which was disclosed well prior to the motion being filed) unequivocally demonstrates that plaintiff did not trip over the carpet as testified to by plaintiff, and sworn to in her Supplemental Response to Interrogatories. Moreover, the video shows that plaintiff's failure to look where she was walking is the sole proximate cause of the accident. Plaintiff cannot point to any evidence in Costco's possession that plaintiff needs to oppose the objective video evidence, which plaintiff conceded in her Response to Request for Admissions depicts the accident.

For these reasons, Costco respectfully requests a stay of the current fact and expert discovery deadlines. There have been no prior requests to stay deadlines.

Thank you for the opportunity to address the Court in this matter.

Respectfully submitted,

/s/ Ian E. Hannon
Ian E. Hannon

IEH/mfb
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cc: Via ECF
Jeannie I. Rivera, Esq.
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